

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of

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Revision of Part 22 and Part 90 of the  
Commission's Rules To Facilitate Future  
Development of Paging Systems

WT Docket No. 96-18

Implementation of Section 309(j) of the  
Communications Act -- Competitive Bidding

PP Docket No. 93-253

COMMENTS OF COOK TELECOM, INC.

ON INTERIM LICENSING PROCEDURES

Dated: February 28, 1996

Cook Telecom, Inc.  
2960 Kerner Blvd.  
San Rafael, CA. 94901  
Tom L. Cook, President

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## **PARTY OF INTEREST**

Cook Telecom, Inc. (CTI) is a radio paging licensee and provider operating within the states of California, Oregon and Washington. CTI is currently licensed to utilize both Private Carrier Paging (PCP) and Common Carrier Paging (CCP) frequencies in providing radio paging services to more than 80,000 subscriber units within the three state region. Our company has installed more than 300 paging transmitters on the Westcoast and specialize in offering tone, numeric, alphanumeric, operator dispatched paging, and voice paging primarily to small businesses. We are proud to advertise our ability to offer local paging access service and coverage to over 85% of the population along the Westcoast corridor. Most of our customers are currently being served on VHF and UHF PCP and CCP frequencies.

CTI has been a family owned and operated business since 1984, and our sole business is the provision of commercial paging services; therefore, we have a very personal and financial stake in the immediate FCC proceedings.

### **The Freeze Imposed by the Commission Upon Adoption of the Notice of Proposed Rule Making is Required and Necessary**

The freeze on new applications in preparation for Rule Making is necessary to prevent speculators and licensing application mills from further flooding the Commission with speculative applications. Our industry has already witnessed

a dramatic increase in new applications filed within the past year, generally by individuals who have been encouraged to spectrum speculate by for-hire application mills. The net effect of this sort of speculative activity is to create a form of de facto freeze outside the direct control of this Commission. Furthermore, speculative applications often result in spectrum being licensed but never constructed.

A freeze is necessary to prevent the further warehousing of valuable spectrum by large paging companies whose interest may be more in preventing competition than in quickly implementing commercial services.

**Placing All Paging Frequencies Under the Interim Freeze is Only Fair and Equitable.**

The Commission is rightfully moving to develop the notion that all PCP and CCP spectrum used to provide commercial paging service should be consolidated into a Commercial Mobile Radio Service (CMRS) whereby such spectrum would be subject to comparable regulation and technical standards. There is absolutely no legitimate reason to separate certain frequencies (whether they be shared, non-exclusive PCP, lower CCP frequencies or otherwise) from others during this proceeding. To do so would only open such spectrum up to further speculation and possibly degrade the performance, usefulness and competitive value of such spectrum.

We find it extremely self-serving for certain industry associations to lobby the Commission to immediately open up shared PCP and lower CCP frequencies for new filings when such associations a) profit greatly by collecting coordinating fees which accompany applications for PCP spectrum, and b) are controlled by larger paging companies who generally do not operate on such frequencies and who might receive significant competitive advantage by creating further chaos in the shared PCP and lower CCP spectrum regions. The Commission should not buy into such arguments and should place a nondiscriminatory freeze all paging spectrum until the NPRM is concluded.

#### **Interim Licensing Accommodating Efficient Licensing Procedures During the Freeze**

In order to accommodate the continued service to an existing subscriber base, we encourage the Commission to adopt the following interim licensing process:

(1) The paging licensee be allowed to install fill-in stations provided the licensee's composite interference contour is not exceeded. Fill-in stations can be used to serve so-called "white space" which happens to exist within the composite interference contour.

(2) Those incumbent paging systems which are currently licensed and constructed in a manner whereby the existing composite 43 dbu service contour presently serves a minimum of 75% of the population contained within the MTA, may apply for new sites within the MTA , but outside the existing

composite interference contour, provided such sites are operated on a secondary, non-interfering basis. The secondary status would mean the station would receive no interference protection if and when a geographic licensing proposal was adopted.

## **Conclusion**

We request the Commission follow these interim guidelines until the NPRM is completed:

- (1) Uniformly freeze all commercially operated paging spectrum including shared, non-exclusive PCP frequencies in the VHF, UHF and 929 MHz. bands, as well as all CCP frequencies. It would be grossly unfair to those who have invested heavily in , and serve countless numbers of subscribers on, shared, non-exclusive VHF and UHF paging frequencies to be subjected to further dilution, speculative application filings, and interference without an opportunity to demonstrate justification for future exclusive geographic area licensing.
- (2) Adopt procedures whereby fill-in stations may be installed within the existing composite interference contour of the licensee, and possibly beyond in situations where the licensee currently serves at least 75% of the MTA.
- (3) Expeditiously adopt new rules and standards in the NPRM process which provides uniformity and symmetry to all commercial paging frequencies.

Respectfully Submitted,

COOK TELECOM, INC.

A handwritten signature in black ink, appearing to read "Tom L. Cook". The signature is fluid and cursive, with the first name "Tom" being more prominent.

Tom L. Cook, President